S.B. Criminal Misc. Bail Application No.2629/2006
Date : 04.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

By this application under Section 439 Cr.P.C., the applicant has sought bail in FIR No.481/2005, Police Station Jahawarnagar, Sri Gangangar for the offence under Sections 302 and 307 IPC.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the only eye witness of the case has turned hostile and he has not supported the prosecution case. He further submits that on the basis of Parchabayan of injured eye witness Raju, the case was registered, therefore, in absence of evidence against the accused-applicant in relation to committing o the offence, he may be enlarge on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Sukhai alias Kedar son of Ramayan shall be released on bail in FIR No.481/2005 P.S. Jawaharnagar, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.